IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

C. P. No. 338 of 2004
in
C.A. No. 533 of 2003.

Jitendra B. Surti ... petitioner
vs.
Mr. Arviondbhai Mehta and ors. ... Respondents

Vijay Kantharia with
S.D. Bhosale for petitioner.
Mr. D.H. Mehta with M. Mahajan i/b. Divekar & Co., for respondents.

CORAM: D. G. KARNIK **J.**

DATE: 13th October 2006

P.C.:

1. Heard learned counsel for the petitioner and respondent nos. 1 to 3. This contempt petition has been filed alleging breach of the order passed on 1st September 2003 by the Division Bench of this court.
2. By the impugned order dated 1st September 2003 , as modified by the order order dated 11th September 2003 , the petitioner therein (respondent nos. 1 / 2 herein) was directed to restore the appointment of the petitioner herein with

continuity of service. This petition has been filed alleging that this order has not been complied with and is breached. Learned counsel for the respondent nos. 1 and 2 states that the petitioner herein had already been restored to the original appointment. Counsel for the petitioner admits that the petitioner has been restored. He, however, submits that the back wages have not been paid. By the order dated 1st September 2003 this court did not grant the back wages to the petitioner. In fact the order positively states that the petitioner would not be entitled to back wages prior to September 2003. In the circumstances there is no merit in this petition which is hereby dismissed.

(D.G. KARNIK J.)